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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

DEC 12 1996

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In Re Applications Of	)	WT DOCKET NO. 96-41	
	)		
	)	File Nos.:	
LIBERTY CABLE CO., INC.	)	708777	WNTT370
	)	708778, 713296	WNTM210
For Private Operational Fixed	)	708779	WNTM385
Microwave Service Authorization	)	708780	WNTM555
and Modifications	)	708781, 709426, 711937	WNTM212
	)	709332	NEW
New York, New York	)	712203	WNTW782
	)	712218	WNTY584
	)	712219	WNTY605
	)	713295	WNTX889
	)	713300	NEW
	)	717325	NEW

To: Administrative Law Judge Richard L. Sippel

**JOINT PRE-HEARING MEMORANDUM  
BY BARTHOLDI CABLE CO., INC. AND  
THE WIRELESS TELECOMMUNICATIONS BUREAU**

Bartholdi Cable Co., Inc., formerly known as Liberty Cable Co., Inc. ("Liberty"), and the Wireless Telecommunications Bureau (the "Bureau"), as the Moving Parties on the Joint Motion for Summary Decision, hereby file this joint pre-hearing memorandum on procedural and evidentiary matters, pursuant to Order FCC 96M-265 (released Dec. 10, 1996) (the "Order"). The Moving Parties have agreed to the following procedures and time frames for the mini-hearing on the facts and issues surrounding when Liberty actually learned about the premature activation of service:

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List A B C D E

1. Howard Milstein, Peter Price, Behrooz Nourain and Michael Lehmkuhl shall be the witnesses who will testify on the facts and issues specified in paragraphs 4 and 5 of the Order. For each witness, the Moving Parties shall commence with direct examinations, followed by cross-examination to be conducted by the opposing parties. The Moving Parties shall have the right to conduct re-direct examination of each witness. The Moving Parties further reserve the right to call rebuttal witnesses in response to the presentation of evidence by the opposing parties.

2. The parties shall, by no later than December 20, 1996, exchange exhibit lists enumerating those documents that the parties expect to introduce into evidence at the mini-hearing. After these exhibit lists have been exchanged, and prior to the first day of hearings, the parties shall reach agreement regarding placement in the public record of documents listed which were filed under seal or otherwise are not part of the public record. Also prior to the first day of hearings, the parties shall agree to procedures for marking and identifying exhibits to be used at the hearing. Objections to documents on the exhibit lists shall be made and resolved at the hearing.

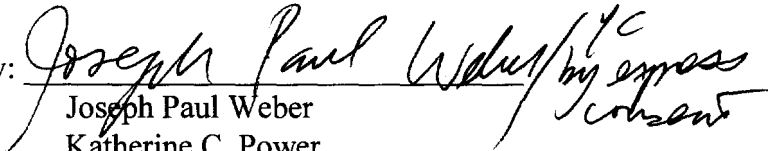
3. The mini-hearing shall commence on January 6, 1997 at 9:30 a.m. in the Commission Courtroom and shall continue from day to day until concluded. The parties expect that the hearings should take no more than two days and should conclude by January 7.

4. The parties shall submit proposed findings of fact and conclusions of law by no later than January 31, 1997.

WHEREFORE, the Bureau and Liberty respectfully request the Presiding Judge to issue an Order in accordance with the foregoing procedures and dates.

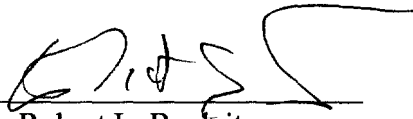
Dated: New York, New York  
December 11, 1996

CHIEF, WIRELESS  
TELECOMMUNICATIONS BUREAU

By:   
Joseph Paul Weber  
Katherine C. Power  
Mark L. Keam

Wireless Telecommunications Bureau  
Federal Communications Commission  
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Attorneys for  
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**CERTIFICATE OF SERVICE**

I, Mamie Mellerson, of Constantine & Partners, certify that I have, on this 11th day of December, 1996, caused to be served by facsimile and by pre-paid First Class United States mail (except as otherwise noted below\*) copies of the *Joint Pre-Hearing Memorandum By Bartholdi Cable Co., Inc. and The Wireless Telecommunications Bureau* to:

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Katherine C. Power, Esq.  
Mark L. Keam, Esq.  
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Hon. Richard L. Sippel\*  
Administrative Law Judge  
2000 L Street, N.W., Suite 220  
Washington, D.C. 20554

Dated: New York, New York  
December 11, 1996

  
Mamie Mellerson

\* By hand delivery by:  
Wireless Telecommunications Bureau